

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN ROUSE AKA ABDUR RASHID
KAHLIF,

Plaintiff,

v.

ELDON VAIL,

Defendant.

No. C08-5620 RJB

ORDER ADOPTING REPORTS AND
RECOMMENDATIONS DENYING
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER
AND GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

In separate Reports and Recommendations, the Magistrate Judge recommends that this prisoner civil rights action be dismissed on Defendant's motion for summary judgment [Dkt. # 54], and that Plaintiff's motion for a temporary restraining order [Dkt. # 55] be denied. The Plaintiff has filed objections to the Reports and Recommendations.

As detailed by the Report and Recommendation addressing the motion for summary judgment [Dkt. # 61], Plaintiff did not exhaust his administrative remedies with regard to his claims of infringement of religious beliefs, spying and the copying of his outgoing mail. These claims are subject to dismissal for failure to exhaust administrative remedies. Regarding the exhausted issues, the Report and Recommendation properly found that the Department of Corrections has legitimate penological interests in requiring offenders to use their committed names on mail, and that the use of the committed name first, followed by a religious or legal

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

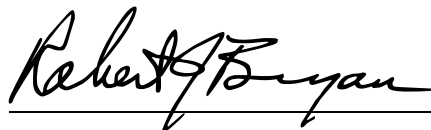
1 name is an appropriate accommodation. Accordingly, Plaintiff's unexhausted claims are subject
2 to dismissal without prejudice and the exhausted issues subject to dismissal with prejudice.

3 Subsequent to Defendant's motion for summary judgment, Plaintiff moved for a
4 restraining order regarding an alleged failure to receive access to a law library [Dkt. # 55]. The
5 Magistrate Judge recommends this motion be denied because the incidents complained of do not
6 relate to any named defendant or issue in this litigation [Dkt. # 60]. As further noted by the
7 Report and Recommendation, Plaintiff's failure to follow the rules and procedures needed to
8 access the library precludes any injunctive relief.
9

10 The Court, having reviewed the Reports and Recommendations of Magistrate Judge J.
11 Richard Creatura, objections to the Reports and Recommendations, and the remaining record,
12 does hereby find and ORDER:

- 13 (1) The Court adopts the Reports and Recommendations [Dkt. # 60 and 61].
14
15 (2) Plaintiff's motion for a temporary restraining order [Dkt. # 55] is **DENIED**
for the reasons stated in the Report and Recommendation.
16
17 (3) Defendant's motion for summary judgment [Dkt. # 54] is **GRANTED** for
the reasons stated in the Report and Recommendation.
18
19 (4) All other motions [Dkt. # 64] are dismissed as **MOOT**.
20
21 (5) The Clerk is directed to send copies of this Order to Plaintiff, and to the
Hon. J. Richard Creatura.

22 DATED this 15th day of April, 2010.

23 

24 ROBERT J. BRYAN
25 United States District Judge
26